IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE THE ACTING CHIEF JUSTICE MR.K.S.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

THURSDAY, THE 1ST MARCH, 2007 / 10TH PHALGUNA, 1928

WA.No. 515 of 2007

(AGAINST THE JUDGMENT IN WPC.4025/2007 DATED 13.2.2007)
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APPELLANT/PETITIONER:

M/S. RPG TRANSMISSION LTD.,
KARIYILAKULAM, EDAPALAYAM P.O., ARIYANKAVU,
KOLLAM DISTRICT, REPRESENTED BY ITS SENIOR
EXECUTIVE, S.SOMAN, S/O. SADASIVAN.

BY ADV. SRI.V.GIRI

RESPONDENTS/RESPONDENTS:
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1. THE DEPUTY COMMISSIONER (APPEALS),
COMMERCIAL TAX, KOLLAM.

2. THE COMMERCIAL TAX OFFICER (WC & LT),
ALAPPUZHA.

3. THE DEPUTY GENERAL MANAGER (CS),
POWER GRID CORPORATION OF INDIA LTD.,
'SAUDAMINI', PLOT NO.2, SECTOR-29,
GURGAON-122 001, HARYANA.

BY SPL.GOVERNMENT PLEADER FOR TAXES
SRI.MATHEW.G.VADAKKEL.

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 01/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.S.RADHAKRISHNAN,Ag.C.J & M.N.KRISHNAN,J.

W.A.NO. 515 OF 2007

Dated this the 1st day of March, 2007

J U D G M E N T

Radhakrishnan, Ag.C.J.

The writ petition was filed challenging Ext.P7 interim order passed on the stay petition filed along with Ext.P4 appeal assessing sales tax for the year 2001-2002. The learned Single Judge stayed Ext.P1 assessment order till the disposal of Ext.P4 appeal on condition that the petitioner paid 30% of the balance tax and furnished security for the balance amount. Challenging the above, this appeal is filed.

2. After hearing counsel on both sides, we order that recovery proceedings would stand stayed on condition that the appellant pays an amount of Rs.35 lakhs within a period of one month from today. If the amount is not paid as directed above, it is open to the respondents to initiate recovery proceedings. Amounts, if any paid, are to be given credit to.

The appeal is disposed of with the above direction.

K.S.RADHAKRISHNAN,
Acting Chief Justice

M.N.KRISHNAN,
Judge

Mbs/

K.THANKAPPAN, J

Crl.Appeal NO. OF 2001

J U D G M E N T

DATED:13-02-2007